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Attorneys for Plaintiff  
United States of America

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
v.  
  
Esam ALI (1), and  
Fawaz ALI (2),  
  
Defendants.

CASE NO. 1:20-CR-00130-JLT-SKO

STIPULATION REGARDING EXCLUDABLE  
TIME PERIODS UNDER SPEEDY TRIAL ACT;  
[PROPOSED] FINDINGS AND ORDER

TRIAL DATE: February 6, 2024  
TIME: 8:30 a.m.  
COURT: Hon. Jennifer L. Thurston

This case is set for Jury Trial on February 6, 2023. The case has resolved and both Defendants have filed plea agreements in this case. (ECF # 41, 42).

As set forth below, the parties now request, by stipulation, that the Court (1) vacate the February 6, 2024 trial date, (2) set the matter for change of plea January 30, 2024 at 10:00 am for both defendants, and (3) exclude time between the date of the Court's Order through and including January 30, 2024 under the Speedy Trial Act.

**STIPULATION**

Plaintiff United States of America, by and through its counsel of record, and defendants, by and through defendants' counsel of record, hereby stipulate as follows:

1. By previous order, this matter was set for Jury Trial on February 6, 2023.
2. By this stipulation, the parties now request that the Court (1) vacate the February 6, 2024 trial date, (2) set the matter for change of plea January 30, 2024 at 10:00 am for both defendants, and (3)

1 exclude time between the date of the Court's Order through and including January 30, 2024 under the  
2 Speedy Trial Act.

3 3. The parties agree and stipulate, and request that the Court find the following:

4 a) The government has represented that the discovery associated with this case is  
5 voluminous and includes many thousands of hours of reports, financial records, and computer  
6 forensics evidence. All of this discovery has been either produced directly to counsel and/or  
7 made available for inspection and copying.

8 b) Counsel for defendant desires additional time consult with his/her client, to  
9 review the current charges, to conduct further investigation and research related to the charges, to  
10 review discovery, to prepare for the plea and sentencing hearing in this case.

11 c) Counsel for defendant believes that failure to grant the above-requested  
12 continuance would deny him/her the reasonable time necessary for effective preparation, taking  
13 into account the exercise of due diligence.

14 d) The government does not object to the continuance.

15 e) Based on the above-stated findings, the ends of justice served by continuing the  
16 case as requested outweigh the interest of the public and the defendant in a trial within the  
17 original date prescribed by the Speedy Trial Act.

18 f) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,  
19 et seq., within which trial must commence, the time period of date of the Court's Order to  
20 January 30, 2024, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv)  
21 [Local Code T4] because it results from a continuance granted by the Court at defendant's  
22 request on the basis of the Court's finding that the ends of justice served by taking such action  
23 outweigh the best interest of the public and the defendant in a speedy trial.

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4. Nothing in this stipulation and order shall preclude a finding that other provisions of the Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial must commence.

IT IS SO STIPULATED.

Dated: December 11, 2023

PHILLIP A. TALBERT  
United States Attorney

/s/ JEFFREY A. SPIVAK  
JEFFREY A. SPIVAK  
Assistant United States Attorney

Dated: December 11, 2023

/s/ Carol Moses  
Carol Moses  
Counsel for Defendant  
Esam ALI (1)

Dated: December 11, 2023

/s/ David Balakian  
David Balakian  
Counsel for Defendant  
Fawaz ALI (2)

**[PROPOSED] FINDINGS AND ORDER**

IT IS SO FOUND.

IT IS SO ORDERED.

Dated: **December 12, 2023**

  
UNITED STATES DISTRICT JUDGE